IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 546 (S/S) of 2006

Smt. Abha Negi,
W/o Sri D.S. Negi,
Presently posted as Head Mistress,
Primary School, Garhmola,
Block – Dwarikhal,
District – Paurigarhwal. **…….Petitioner.**

V e r s u s .

1. The State of Uttaranchal through Secretary Basic Education, Uttaranchal, Dehradun.
2. Director of Education (Basic), Uttaranchal, Dehradun.
3. Joint Director of Education, Uttaranchal, Dehradun.
4. District Education Officer, Pauri Garhwal.
5. Additional District Education Officer (Basic), Pauri Garhwal.

……...Respondents.

Hon'ble M.M. Ghildiyal, J.:

1. Heard Sri K.N. Joshi, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for the State of Uttaranchal on behalf of respondents.
2. Learned counsel for the petitioner has submitted that petitioner, who is working as Head Mistress in Primary School, Garhwal, Block – Dwarikhal, District – Pauri Garhwal, sought transfer to any other Primary School nearby her residence, in view of his family circumstances.
3. In this regard, petitioner approached the Secretary, Education, who directed the Director of Education to take necessary action. In turn, Director of Education directed the Additional Director of Education and Additional Director of Education directed Additional District

Education Officer (Basic) to take necessary action in this regard.

4. The submission of the petitioner is that the posts for she has sought transfer are vacant.

5. This fact has been denied by the learned counsel for the respondents in the counter affidavit stating therein that posts for which petitioner has sought transfer have already been filled by way of transfer.

6. The submission of learned counsel for the petitioner is that petitioner has filed a representation dated 25.02.2006, which has yet not been decided by Additional District Education Officer (Basic) in spite of the order passed by superior authorities.

7. In case, posts where petitioner have sought transfer are not vacant Additional District Education Officer (Basic) could have consider proposal for transfer to nearby place in view of the order passed by Superior Authorities.

8. In the circumstances stated above, I deem it fit and proper to direct Additional District Education Officer, (Basic) to take decision on the representation of the petitioner dated 25.02.2006, in case, any post is vacant which may be suitable for the petitioner and petitioner is willing to join there within a period of four weeks from the date of production of certified copy of this order.

9. With this direction the writ petition is finally disposed of. No order as costs.

(M.M. Ghildiyal, J)

July 15, 2006
SKSharma